REMARKS

Reconsideration and allowance of the claims are requested in view of the above amendments and the following remarks. Claims 1, 2, 25, 29, 30, 31, 52, 63 and 70-77 have been amended. Support for the amendments to the claims may be found throughout the specification, including at least on pages 14-15 and Figure 4. No new matter has been added. Upon entry of the amendment, claims 1-77 will be pending in the present application with claims 1, 2, 25, 29, 30, 31, 52 and 63 being independent.

1.   Double Patenting Rejection

The Office Action provisionally rejects claims 1-67 and 69-77 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3, 7-16, 20-22 and 27-34 of copending Application No. 09/804,888. The Office Action also provisionally rejects claim 68 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3, 7-16, 20-22 and 27-34 of copending Application No. 09/804,888 in view of Lin et al.

Applicants may submit a terminal disclaimer with respect to claims 1-67 and 69-77 in the present application upon issuance of Application No. 09/804,888.

2.   Rejection of Claims 1-67 and 69-77 Under 35 U.S.C. §103

The Office Action rejects claims 1-67 and 69-77 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,295,492 to Lang et al. ("Lang") in view of U.S. Patent 5,808,907 to Shetty et al. ("Shetty"). Applicants respectfully traverse this rejection.

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a)   The Lang Reference

Lang discloses a system for transmitting, collecting and displaying diagnostic and operational information from one or more motor vehicles using a central server connected to a wide-area network (see abstract). The system includes an on-board translator device 14 capable of being connected to an existing OBD-II connector plug 8 and translating proprietary diagnostic test signals into diagnostic service codes presented in a standard computer language, such as ASCII files, to be used by an on-board computer (see col. 2, lines 27-31). Therefore, the translation described in Lang occurs on-board a vehicle. An on-board computer connects to a wireless communication means that continuously or intermittently transmits the ASCII files to a central network server, which collects the ASCII text files in a user database for display to a user (see col. 2, lines 32-37; Figure 2). Therefore, diagnostic information in Lang's system is presented to a user as diagnostic service codes in a computer language, such as in ASCII format.[1]

Lang discloses a system that collects and translates vehicle-generated data on-board a vehicle, and then wirelessly transmits the vehicle-generated data to a server, which displays these exact same data received by the server on a simple interface. In Lang, no information is derived from the vehicle-generated data received by the server. Instead, the server merely displays the received data in its unprocessed form. Therefore, Lang does not disclose or suggest wirelessly receiving data by a computer system from a vehicle, and processing the received data with the computer system to generate diagnostic or location information that is at least in part derived from the received data, wherein the derived information has a meaning distinct from the received data.

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[1] ASCII is a code for representing alphanumeric information. In an ASCII file, each alphabetic, numeric, or special character is represented with a 7-bit binary number. (See Webster's Third New International Dictionary, Unabridged. Merriam-Webster, 2002; see also technical definition at www.whatis.com at the following link: http://searchsmb.techtarget.com/sDefinition/0,290660,sid44_gci211600,00.html.

Additionally, Lang does not disclose or suggest that the vehicle status reports and the vehicle service recommendations comprise icons indicating the vehicle's diagnostic status. As discussed above, diagnostic information in Lang's system is presented to a user as diagnostic service codes in a computer language, such as in ASCII format, and not as icons indicating the vehicle's diagnostic status.

b)   The Shetty Reference

Shetty discloses a method for providing information relating to a machine to a user. Shetty teaches a notification means 112 that may be used to notify a user using a facsimile report 122, an email report 114, and a pager report 116 (see col. 2, lines 38-48). However, Shetty lacks any description of web-based systems, let alone using such systems to receive and process data to generate diagnostic or location information that is derived from the received data, wherein the derived information has a meaning distinct from the received data, and then displaying the derived diagnostic or location information on a website.

Additionally, Shetty does not disclose or suggest that the vehicle status reports and the vehicle service recommendations comprise icons indicating the vehicle's diagnostic status. In fact, Shetty fails to describe the specific contents of the reports 114, 116 and 122 described therein. Therefore, Shetty fails to cure the deficiencies of Lang as described above.

c)   Claims 1-67 and 69-77 Distinguish Over Lang and Shetty

In contrast to Lang and Shetty, independent claims 1, 2, 25, 29, 30, 31, 52 and 63 of the present application include, in some form, processing data with a computer system to generate diagnostic or location information that is at least in part derived from received data, wherein the generated information comprises at least one of vehicle status reports and vehicle service

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recommendations, <u>wherein the derived information has a meaning distinct from the received data</u>.

As discussed above, Lang and Shetty, alone or in combination, do not disclose or suggest these claim elements. Accordingly, independent claims 1, 2, 25, 29, 30, 31, 52 and 63, and their respective dependent claims, are allowable.

3.   <u>Rejection of Claim 68 Under 35 U.S.C. §103</u>

The Office Action rejects claim 68 under 35 U.S.C. §103(a) as being unpatentable over Lang in view of Shetty as applied to claims 1-67 and 69-77, and further in view of U.S. Patent 6,400,701 to Lin et al. ("Lin"). Applicants respectfully traverse this rejection.

Lin discloses a telecommunications network including communicating packet data in Fixed Wireless Access networks. However, Lin fails to disclose or suggest a first interface and a second interface displaying information that is at least in part derived from data wirelessly received by a computer system from a vehicle, and wherein the information comprises at least one of vehicle status reports and vehicle service recommendations, <u>wherein the derived information has a meaning distinct from the received data</u>, as included in base independent claim 63. Therefore, Lin fails to cure the deficiencies of Lang and Shetty as described above with respect to claim 63. Accordingly, claim 68, which depends from claim 63, is allowable.
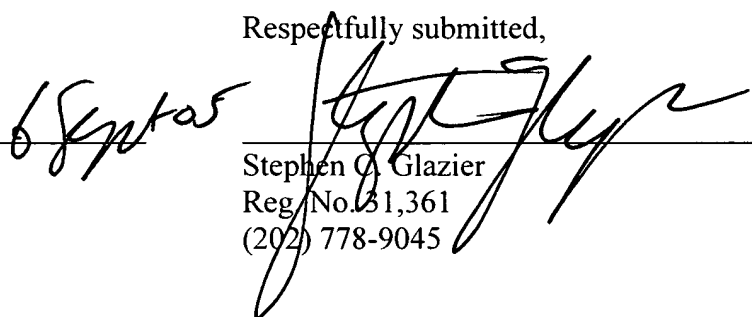
4.   <u>Conclusion</u>

In view of the above, claims 1-77 clearly recite elements that are neither disclosed nor suggested by the prior art including Lang, Shetty and Lin, alone or in combination. Applicants submit that such claims are allowable for at least this reason. Accordingly, reconsideration and withdrawal of the rejections are requested.

Applicants submit that the present application is in condition for allowance and requests favorable action in the form of a Notice of Allowance. Should the Examiner believe that this application is in condition for disposition other than allowance, the Examiner is invited to contact the undersigned at the telephone number listed below in order to address the Examiner's concerns.

Please apply any necessary additional charges or credits to Deposit Account 50-1721.

Respectfully submitted,

Date:_____

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